upa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.340 OF 2006

Deepak Divekar).. Petitioner

Versus

United Arab Shipping Co. and others).. Respondents

Ms.Ratna Bhargavan for the Petitioner.

Mr.Chirag Balsara with Mr.Krunal Shah i/b.Bhatt & Saldanha for the Respondents.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 9TH AUGUST 2006

P.C.:

. This Petition has been filed for issuance of process to three witnesses named in paragraph 10 of the Petition so that they can be examined before the learned Arbitrator. By an order dated 28th April 2006, the learned Arbitrator had directed the learned Counsel for the Claimant to move the Prothonotary & Senior Master for issuing the witness summons. Accordingly, this Petition has been filed for a direction to the Prothonotary & Senior Master to issue the process.

2. The contention of the Respondents is that the persons mentioned at Serial Nos.1 and 2 in paragraph 10 of the Petition are the authors of the documents sought to be produced whereas person at Serial No.3 is not a

necessary witness.

3. In my view, since it is for the Petitioner who should be his witnesses, there is no need to accept the submissions made on behalf of the Respondents.

4. Hence, Petition allowed in terms of prayer clause (a) of the Petition.

5. Petition disposed off accordingly.